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December 3, 2021

Via ECF

Hon. Peggy Kuo, U.S.M.J.
U.S. District Court, E.D.N.Y.
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Novagold Resources Inc. v. J Capital Research USA LLC*, No. 20-cv-02875-LDH-PK
*Defendant's Opposition to Letter from Plaintiff's Counsel (Dkt. 84)***

Dear Magistrate Judge Kuo:

We write on behalf of Defendant J Capital Research USA LLC ("JCap") in opposition to the letter from Plaintiff Novagold's ("NG") counsel of Dec. 1, 2021 (Dkt. 84).

The Court has allowed limited discovery to proceed while JCap's Motion to Dismiss is pending. The parties have exchanged document demands and interrogatories, responses and document productions, and objections. (We do not understand NG's rolling document production to be yet complete.) NG made a motion addressed to JCap's objections in which certain privileges were at issue. NG's first-round motion was denied.

The Court has given NG multiple opportunities to address these issues in conferences. Most recently, when NG inadequately addressed the issues as framed for them by the Court, the Court gave them yet another opportunity to renew part of its motion to compel.

NG's latest round of discovery motion practice has now been fully briefed. The Court will no doubt render its decision when it is ready to do so.

The fact that the parties might need to adjust a scheduling order to accommodate the decisions that are expected on the two pending motions (one regarding discovery and one regarding merits) is something that everyone understands. There is nothing unusual about that. It does not supply a rationale for adjusting the case management procedure that this Court, after considerable briefing and attention to the parties, has chosen and directed.

Respectfully Submitted,

cc: Counsel of Record by ECF

/s/David S. Korzenik
David S. Korzenik